

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

JOSHUA KENT NABORS

PLAINTIFF

v.

Civil No. 07-2062

JOHN ANTHONY DUTTON,  
Sebastian County  
Sheriff's Department

DEFENDANT

O R D E R

Now on this 9th day of August, 2007, comes on for consideration the **Report and Recommendation of the Magistrate Judge**, Hon. James R. Marschewski (document #5, filed July 19, 2007), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

**IT IS THEREFORE ORDERED** that the **Magistrate Judge's Report and Recommendation is adopted *in toto***.

**IT IS FURTHER ORDERED** that, for the reasons stated in the Magistrate Judge's Report and Recommendation, Nabors' claims are hereby **dismissed and this case is closed**.

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE